

**UNITED STATES DISTRICT COURT****DISTRICT OF ARIZONA**

UNITED STATES OF AMERICA

v.

George Nees,

CASE NUMBER:

19-8427MJ

**CRIMINAL COMPLAINT**

I, Brooke Sebek, the undersigned complainant in this case, state that the following is true to the best of my knowledge and belief.

**Counts 1-2**

In or between the dates below, in the District of Arizona and elsewhere, defendant GEORGE NEES did knowingly transmit in interstate or foreign commerce any communication containing any threat to injure the person of another (referring to employees of Rust Consulting).

Count	Dates	To
1	November 2, 2018 – September 1, 2019	Employees of Rust Consulting
2	February 27, 2019 – May 9, 2019	Employees of Cricket Wireless

In violation of Title 18, United States Code, Section 875(c).

**Counts 3-4**

In or between the dates below, in the district of Arizona and elsewhere, defendant GEORGE NEES, with the intent to kill, injure, harass, and intimidate another person, used an electronic communication service or electronic communication system of interstate commerce to engage in a course of conduct that placed that person in reasonable fear of the death of or serious bodily injury to a person or caused and attempted to cause and would be reasonably expected to cause substantial emotional distress to a person described in this section:

Count	Dates	To
3	November 2, 2018 – September 1, 2019	Employees of Rust Consulting
4	February 27, 2019 – May 9, 2019	Employees of Cricket Wireless

In violation of Title 18, United States Code, Section 2261A(2).

I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

**See Attached Affidavit Incorporated By Reference Herein**

AUTHORIZED BY: Gayle L. Helart, AUSA *Gayle Helart*

Brooke Sebek, Special Agent, FBI  
*Name of Complainant*

*Signature of Complainant*

Sworn to before me and subscribed in my presence

9-26-19  
*Date*

at Phoenix, Arizona  
*City and State*

*[Signature]*  
HONORABLE JOHN Z. BOYLE  
United States Magistrate Judge

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

Your affiant, Brooke Sebek, a Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. Your affiant is a Special Agent with the Federal Bureau of Investigation (FBI) in Arizona and assigned to the Violent Crimes Task Force. Your affiant has been appointed as a Special Agent since July 2017 and a member of the Violent Crime Task Force since April 2018. Prior to being assigned to the Violent Crime Task Force, your affiant investigated human trafficking matters for the FBI.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement officers. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. I was assigned in approximately April 2019 to this investigation involving GEORGE NEES (NEES) who has made threatening statements via email to Rust Consulting and Cricket Wireless.

**THE INVESTIGATION**

5. On March 4, 2019, K.B. (who works in security of Rust Consulting) contacted the FBI to report that someone he had come to know as GEORGE FREDRICK NEES had been making threatening statements to the consulting firm, Rust Consulting, for approximately six months. NEES resides in Tempe, Arizona. Initial correspondence between NEES and Rust Consulting started when Rust Consulting sent a letter to NEES in November of 2018 regarding a class action lawsuit with an airlines. K.B./Rust consulting reported they were sent an email on November 2, 2018 by NEES. In this email he stated "there will be a mass shooting" if he were included in one more class action lawsuit related email from Rust Consulting. NEES provided his name and address in the email. Rust Consulting has not communicated with NEES since his November 2, 2018 email until May 2019. It was at this time Rust Consulting sent an email to NEES stating that he had been removed from their database. NEES continued to email Rust Consulting up until

September 1, 2019. Rust Consulting had expressed with K.B. their fear of NEES and carrying out the threats.

6. On or around March 20, 2019, a tip was submitted to the FBI that someone known to as George Fredrick NEES had been harassing three Cricket Wireless executives, S.H, J.D., and G.C. Initial correspondence between NEES and Cricket Wireless started when Cricket Wireless sent NEES a letter to NEES' brother's address in Glendale, Arizona. NEES had been sending threatening communications to the Cricket Wireless executives from February 27, 2019 to approximately May 9, 2019. In NEES' first email to Cricket Wireless he threatened he would "hunt down" the individual responsible for giving them his mailing address. NEES sent his emails directly to the three Cricket Wireless, S.H, J.D., and G.C.

7. Below are the list of threats and harassing statements made by NEES to Rust Consulting based on emails captured and submitted to the FBI. The dates in which the majority of the threats occurred, are from November 2018 to August 2019. Following are the list of threats and harassing statements made by NEES to the three Cricket Wireless executives. The dates in which the majority of the threats occurred are from February 2019 to May 2019. For both sets of communications, I have redacted personally identifiable information or names of businesses not involved as victims.

EMAILS TO VICTIM #1: RUST CONSULTING
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To: Rust Consulting	From: Phredog@yahoo.com	Date: 11/02/2018	Email Content: "I do not believe in class action lawsuits, and take a firm stance against "cyberstalking" (and that is exactly what is being done by Rust Consulting). If I am placed in ONE MORE class buy Rust Consulting by email, there will be a mass shooting. Why? It is simple. I do not
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			<p>want my name in potentially hackable databases, or any kind of public accessible record. I do not care about procedures, or any applicable laws. I am not to be part of ANY class action Lawsuits. Is for United Airlines, they handed over my name, so they must pay the penalty. Court orders are no excuse. My name is NEVER to be passed to a third party. George Nees (signed with address in Tempe redacted here and phone ending in 6324).”</p>
To: Rust Consulting	From: Phredog@yahoo.com	Date: 11/14/2018	<p>Email Content: “My name is NEVER to appear as a class member in any case you handle. Yes, I am aware that other administrators exist. They will be notified in the same way as you have been. I do not care about any contract you have with any federal agency, or any court orders. You will do as I say when it comes to my name. I hold the sole sovereignty over my name, address, and other information, and I am willing to back that up in any way I see fit. I expect someone in authority to call me to confirm that my name is blacklisted for good. A simple confirmation will do. There will be no further reason to contact me, and no further</p>

			reason for you to hear back from me. (phone number ending in 6324)”
To: Rust Consulting	From: Phredog@yahoo.com	Date: 02/28/2019	<p>Email Content:</p> <p>“A response has been sent from the following website: domesticairclass.com</p> <p>Name: George Nees</p> <p>Email: Phredog@yahoo.com</p> <p>Inquiry or Message: If reference to the following statement: ‘Our records show you may have purchased a domestic airline ticket from (names of six major airlines redacted) between July 1, 2011 and June 14, 2018.’</p> <p>What records are those?</p> <p>I do not take kindly to my information being shared without my consent. The fact that you have my name and address is a violation of my privacy. I feel that Rust Consulting falsifies class member lists because this is not the first name my name has come up as a class member when I clearly never purchased the product or service that is the subject of the litigation. I happen to know that I purchased no domestic airline tickets from (names of six major airlines redacted) during the period (I did not even live in the USA during most of the period). Furthermore, most of my accounts have foreign</p>

			addresses. That being the case. I would not have been considered a US resident, and I would not be a legitimate class member to start with. Prove to me that my name was provided by one of the airlines. Give me the alleged information from the records you claim to have. I suggest you cooperate. I am getting sick of writing. Either you give me the information voluntarily or do it under duress. So if you want trouble, you have found it. George Nees (phone number ending in 6324)”
To: Rust Consulting	From: Phredog@yahoo.com	Date: 03/01/2019	Email Content: “The letter states, ‘Our records show you may have purchased a domestic airline ticket from (names of six major airlines redacted) between July 1, 2011 and June 14, 2018.’ there can be no said records because I did not even live in the USA during that period. I demand to see the records. I will take them by force if needed. Ultimately my name will be wiped from the archives at Rust Consulting. I already know your company is a fraud, and it very obvious that no actual research is ever done to find actual class members. I know that names of class members are randomly picked off mailing

			<p>lists. I want to know my name got there. I want it removed. I am making it publicly known that Rust Consulting is a fraud. If you want to minimize damage and save lives, you will cooperate with me.</p> <p>George Nees (number ending in 6324)”</p>
To: Rust Consulting	From: Phredog@yahoo.com	Date: 03/11/2019	<p>Email Content: (content includes “a response has been sent from the following website” and includes a hyperlink. It is not pertinent to the federal statues at hand.)</p> <p>“ Name: George Nees Email: Phredog@yahoo.com Inquiry or Message: I notified your company that I am NOT a class member. Therefore my name shall no longer be on any class member lists. Your company has failed to acknowledge that my name was removed. On, or about Mar 20, there will be court document that contains the names of all the member who have requested an ‘opt out’. Being that I am NOT a member of the class, I am not to be included on a list of those people who have chosen an “opt out”. I wish to point out that I gave nobody permission to add me as a class member, and I have notified your company in both email and writing that I did not reside in the USA during the period and that therefore I am NOT a class member. If my name appears on the document that gets filed on</p>



			<p>Mar 20, you will regret it. If my name is removed then I have no quarrel with you. I expect someone to call me and confirm that my name has been removed from the tort. No worries, I will be cordial. There is no need for a long conversation. I only need the words, 'Your name does not appear'.</p> <p>George Nees (number ending in 6324)"</p>
To: Rust Consulting	From: Phredog@yahoo.com	Date: 04/02/2019	<p>Email Content: "I lived outside the USA during the period covered my the lawsuit. I have accounts with both United Airlines and American Airlines. Both of the accounts have addresses in Singapore. The airlines themselves believe I still reside in Singapore, so there is no either of them would have handed over my name. I have not flown (name of airlines redacted) since about 2009. I have flown (name of airlines redacted) but not as a US resident. I have no accounts with the other mentioned airlines. There is no Possible way I could have been considered a 'US Resident'. However, somehow you had my name on the list of class members. Your letter makes the claim 'Our records show you may have purchased a domestic airline ticket from (six major airlines redacted) between July 1, 2011 and June 14, 2018.', yet you cannot produce any records. So who is it that gave you my name as</p>

			<p>a potential class member? My name is being falsely spread around and I expect to know the parties whom are responsible. There is no reason to withhold information from me. My patience is running very, very short. I demand that you tell me where my name and other information was acquired from. Furthermore I demand that it be scrubbed from the list of class members (not excluded, but removed). I demand that your company blacklist me from any and all future class actions administered by your company. I have made the last two demands multiple times, and I not only expect compliance, but I expect someone to send me and acknowledgement that my name has been removed, and blacklisted. George Nees (number ending in 6324).”</p>
To: Rust Consulting	From: Phredog@yahoo.com	Date: 04/21/2019	<p>Email Content: “I am tired of your apathy. I DEMAND that you blacklist my name from any and all class actions administered by your company. I do not give a fuck about court orders. I expect someone to call me and verify that my name was removed from this tort (not the same thing as ‘excluded’). And is blocked forever from all future torts handled by Rust Consulting. I also demand that you tell me what airline you are claiming gave my name. It is your notice that made the claim, ‘Our records</p>

			show you may have purchased a domestic airline ticket from (six major airlines redacted) between July 1, 2011 and June 14, 2018.', but you have produced no evidence that you have any 'records'. I have spoken to customer service at United Airlines and American Airlines. Your companies' integrity is not looking very good. The court should halt the case, and withhold payment for fees in connection with this tort until you produce some evidence. (number ending in 6324) George Nees"
To: Rust Consulting	From: Phredog@yahoo.com	Date: 04/23/2019	Email Content: "Where is my information? Must I drive to Minnesota? (number ending in 6324)"
To: Rust Consulting	From: Phredog@yahoo.com	Date: 04/30/2019	Email Content: "My patience is at an end. I am tired of your company operating with impunity. You people have harassed me for years. I have had enough. My name will not be included in any class actions (current or future). You will tell me what airline allegedly claims I bought a qualifying ticket. If I have to drive there, the visit will not be a happy one. George Nees (number ending in 6324)."
To: Rust Consulting	From: Phredog@yahoo.com	Date: 05/02/2019	Email Content: (email content includes NEES referencing and quoting a previous email he received from A.B. Data Class Action Administrators. The email stated that NEES' name and address had been removed from their list of class members. It is not

			<p>pertinent to the federal statutes at hand). "Funny how I did not have to get threatening with them. I also asked that they block my name from any future class actions that they handle. I bet they comply. Why? Because they have respect, and they are professional. Your company is far from professional. Call me. Verify that m name was removed, and is permanently blocked from all class actions serviced by your company. Give me the name of the airlines you allege gave you my name. I will not give up, and no court order is going to stop me. Have I made myself clear? George Nees (number ending in 6324)"</p>
To: Rust Consulting	From: Phredog@yahoo.com	Date:05/03/2019	<p>Email Content: "I tried over and over to get you people to be responsible. You refused. I will be contacting the defense attorneys and make my arguments against the plaintiffs, and you on procedural grounds. I hope the defense attorney make a motion for summary judgement, which if granted, will prevent the trial from going forward. I hope it stalls case, because your company failed to do its job when you picked random names off mailing lists rather than track down the class members. I hope you are exposed as the fraud that you are. I hope it casts a doubt on all the cases that you have administrated over the last ten years. I hope a lot of you end up in prison. I</p>

			<p>know I am right because you cannot produce any evidence that my name was given to you by one of the defendants. I can further prove you lied based on the very words in the notice you sent; 'Our records show you may have purchased a domestic airline ticket from (six major airlines redacted) between July 1, 2011 and June 14, 2018. (two airlines redacted) We both know that that there are no said 'records', much less one containing my name. You will be sorry you chose me to be a pawn in your fraudulent business. Just think, you could have called me, and agreed to block me forever from all your cases, and I would have forgotten the whole thing. George Nees (number ending in 6324)"</p>
To: Rust Consulting	From: Phredog@yahoo.com	Date: 05/14/2019	<p>Email Content: (NEES is responding to Rust Consulting's email regarding removing NEES from their list). "Thank you; that took five months and an unwelcome visit from the police. Let me remind your company that the unauthorized distribution of my personal information is something I take very seriously. I consider myself the sole holder of all sovereignty over all my personal information and yield to no government agency when it comes to this issue. I will use physical force if needed to enforce control who gains access to my</p>

			<p>personal information. Your agencies profit, or that of the lawyers is not worth compromising my privacy. Honestly what do I have to gain if my name is part of a class action? Maybe if I am lucky a dollar. And what is your agency, or one of the others is careless with that information? When I sign up for a service I get a copy of the privacy policy so that I can read it over BEFORE they gain access to my information. But your agency gets privileged access without my consent. I cannot weigh the pros vs cons before you get access to it. Therefore I do not want you to have access. I want my name blocked forever. I do not care about those ill thought out court orders. I do not care about the 'rules' or 'laws'. Regards; George Nees</p>
To: Rust Consulting	From: Phredog@yahoo.com	Date: 07/18/2019	<p>Email Content:"I have not seen confirmation that my name is unconditionally blocked from ALL FUTURE cases handled by your corrupt company. You will also block the following family members: (six names redacted) I expect compliance. I am very serious about this, and will not take 'NO' for an answer. The distribution of my personal information will stop, regardless of the status of court orders. I am starting a precedence. Many will follow me. I expect to get confirmation. Only a few</p>

			words are needed. George Nees (number ending in 6324”
To: Rust Consulting	From: Phredog@yahoo.com	Date: 08/04/2019	“I am growing very impatient. I have not received confirmation that my name, and those of my family, are permanently, and unconditionally, blocked from all future cases handled by Rust Consulting. If we have to drive there, nobody will be happy. Let me make it very, very clear that the transfer of ANY information about me, or my family to ANY third party (that includes law enforcement,DHS, Interpol), is absolutely prohibited. I maintain 100% sovereignty over my personal information. No other party gets the privilege to say who gains access to it. George Nees”
To: Rust Consulting	From: Phredog@yahoo.com	Date: 09/01/2019	Email content: “I clicked on the ‘Unsubscribe’ button. You are not permitted to send me anymore notices, even if they apply to a different case. Any future notice that comes through your service will be forwarded and reported as a violation of the ‘Can SPAM act’. I do not believe in class action lawsuits, and I will stop at nothing to disrupt the process. George Nees”

EMAILS TO VICTIM #2, #3 and #4: S.H., J.D., and G.C. of Cricket Wireless
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To: S.H., J.D., and G.C. of Cricket Wireless	From: Phredog@yahoo.com	Date: 02/27/2019	Email Content: “I received a post from Cricket Wireless. My address is kept secret. It is never to be given out. I need to know who distributed it to your
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			company. This is a very serious matter. I will not rest until the very person responsible is hunted down. This is a matter I take very seriously. I have spent tens of thousands of dollars keeping my information off mailing lists."
To: S.H., J.D., and G.C. of Cricket Wireless	From: Phredog@yahoo.com	Date: 03/02/2019	Email Content: "If I have to drive to Atlanta, nobody will be having a good day. Let us be more professional than that. Asking your bulk mail service to exclude me is simply protecting the guilt party, and I will be forced to get really nasty. Just give them over to me, and I will be done with you. By Tuesday afternoon, I will be expecting a phone call or email. It should not take more than a few seconds to get the name of your vendor, and hand it over. It is the moral and ethical thing to do."
To: S.H., J.D., and G.C. of Cricket Wireless	From: Phredog@yahoo.com	Date: 03/05/2019	Email Content: In response to not being satisfied with the follow up contact from Customer Service, I must know how you obtained my address and name. If you have any professionalism at all, you will give them up. You have nothing to lose by telling me who they are.
To: S.H., J.D., and G.C. of Cricket Wireless	From: Phredog@yahoo.com	Date: 03/12/2019	Email Content: I grow more impatient by the day. Who is the party that sold you my information? Who is your current bulk mail provider? I will never stop. You will give the information up even if I have to come there and beat it out of you. Many more will follow because I am making a big deal



			out of your companies indiscretion in the press.
To: S.H., J.D., and G.C. of Cricket Wireless	From: Phredog@yahoo.com	Date: 03/16/2019	<p>Email Content: I will ask one last time, before I travel to Atlanta and take my revenge on your three main executive officers. I am vision impaired and almost cannot read what I am typing. That means when I show up with a gun, pretty much anyone within range might be in danger. Nobody wants that. I do not want that.</p> <p>The one and only way to make peace is to hand over the following:</p> <ol style="list-style-type: none"> <li>1. Who did you purchase my name and address from?</li> <li>2. Who is your bulk mailer?</li> </ol> <p>If you met me under normal circumstances you would say I am a nice guy. I am a husband, a father, an uncle, and an animal lover. I have also had my identity stolen in the past, and I will kill to prevent my info from being in the wild.</p> <p>I did NOT ask for an 'opt-out'. You have already done that. What part of GIVE ME YOUR SOURCE is the problem? This is a life or death situation, and requires just as much urgency as a hurricane.</p>
To: S.H., J.D., and G.C. of Cricket Wireless	From: Phredog@yahoo.com	Date: 05/09/2019	<p>Email content: "Do not make me take a drive across the country to take the information by physical force. I expect someone to call me, and tell me who supplied you with my address, and who provides your bulk mail service. I am serious about this. I am tired of waiting. I have a family to keep safe, and</p>

			you are 'standing' between me and whoever it is that gave out my address. I must know who it was. What would you do in my situation? I will beat it out of someone if I must. I am very serious. (number ending in 6324) Phred"
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8. On August 19, 2019, NEES was interviewed by your affiant and another FBI SA. NEES reported that he became frustrated with Rust Consulting after receiving a letter for a class action lawsuit. Similarly, NEES became upset with Cricket Wireless after receiving junk mail. NEES did not want his personal information distributed to any company or firm. When NEES did not receive details on how his information was obtained, he began to send threatening emails. NEES admitted he sent emails to companies stating, "do you want me to show up on your doorstep!?" to get them "shaking in their boots."


9. Cricket Wireless obtained a Work Place Restraining Order against NEES due to his emails. NEES admitted to specifically citing and sending his emails to three Cricket Wireless executives. In the interview, when asked if NEES was capable of conducting a mass shooting he responded, "of course I am capable!" He denied possessing any firearms but admitted to having nunchakus. NEES reported that his brother has a gun. When shown the emails sent to Rust Consulting and the Cricket Wireless executives, NEES admitted that he was the one who wrote and sent them.

#### **AUTHORIZATION REQUEST**

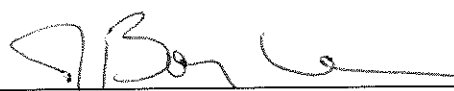
10. Based on the foregoing, I have reason to believe that there is probable cause that GEORGE NEES has violated Title 18 USC § 875 (c) (Threatening interstate communications) and Title 18 USC §2261A(2) (Cyberstalking). NEES has transmitted in interstate commerce communications, via emails, which contained threats to injure the person of another in Minnesota (Rust Consulting) and Georgia (Cricket Wireless), and used an electronic communication service in interstate commerce with the intent to kill, injure, harass, or intimidate

another person. I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

Dated: \_\_\_\_\_

  
\_\_\_\_\_  
Brooke Sebek, Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me this 26<sup>th</sup> day of September, 2019

  
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HONORABLE JOHN Z. BOYLE  
United States Magistrate Judge  
District of Arizona